

Commonwealth of Massachusetts  
HAMPDEN SUPERIOR COURT  
Case Summary  
Civil Docket

08/15/2005  
10:46 AM

**HDCV2005-00678**  
**Lonczak v Top-Flite Golf Company**

<b>File Date</b>	07/08/2005	<b>Status</b>	Disposed: transferred to other court (dtrans)
<b>Status Date</b>	08/03/2005	<b>Session</b>	A - Civil A - CtRm 6
<b>Origin</b>	1	<b>Case Type</b>	B22 - Employment Discrimination
<b>Lead Case</b>		<b>Track</b>	F

05 CV 30180-KPN

<b>Service</b>	10/06/2005	<b>Answer</b>	12/05/2005	<b>Rule 12/19/20</b>	12/05/2005
<b>Rule 15</b>	12/05/2005	<b>Discovery</b>	05/04/2006	<b>Rule 56</b>	06/03/2006
<b>Final PTC</b>	07/03/2006	<b>Disposition</b>	09/01/2006	<b>Jury Trial</b>	Yes

**PARTIES**

**Plaintiff**

Gary J. Lonczak  
Active 07/08/2005

**Private Counsel 069660**

Maurice M Cahillane  
Egan Flanagan & Cohen  
67 Market Street  
PO Box 9035  
Springfield, MA 01102-9035  
Phone: 413-737-0260  
Fax: 413-737-0121  
Active 07/08/2005 Notify

**Defendant**

Top-Flite Golf Company  
Served: 07/14/2005  
Served (answr pending) 07/18/2005

**Private Counsel 405760**

Jay M Presser  
Skoler Abbott & Presser PC  
1 Monarch Place  
Suite 2000  
Springfield, MA 01144  
Phone: 413-737-4753  
Fax: 413-787-1941  
Active 08/03/2005 Notify

**ENTRIES**

Date	Paper	Text
07/08/2005	1.0	Complaint & civil action cover sheet filed
07/08/2005		Origin 1, Type B22, Track F.
07/18/2005	2.0	SERVICE RETURNED: Top-Flite Golf Company(Defendant).
08/03/2005	3.0	Copy of Petition for Removal to the United States District Court filed by Top-Flite Golf Company
08/03/2005		Case REMOVED this date to US District Court of Massachusetts

**EVENTS**

**A TRUE COPY**  
**OF THE DOCKET MINUTES:**  
IN WITNESS WHEREOF, I hereunto  
set my hand, and have caused the seal  
of the Superior Court for the County  
of Hampden to be affixed on this  
15th day of August, 2005

*Donna M. Liebel*  
Deputy Assistant Clerk

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF THE TRIAL COURT

HAMPDEN, ss

Superior Court Division  
Civil Action No.: 05-678

GARY J. LONCZAK,  
Plaintiff  
vs.  
TOP-FLITE GOLF COMPANY  
Defendants

HAMPDEN COUNTY  
SUPERIOR COURT  
**FILED**  
JUL - 8 2005  
*Marie M. Magg*  
CLERK-MAGISTRATE

**COMPLAINT AND DEMAND FOR JURY TRIAL**

1. The plaintiff, Gary J. Lonczak, is a natural person residing at 287 Chicopee Street, Chicopee, Hampden County, Massachusetts.
2. The defendant, Top-Flite Golf Company, is a Delaware corporation with a principal place of business at 425 Meadow Street, Chicopee, Hampden County, Massachusetts.
3. The plaintiff was employed by the defendant, Top-Flite, for six years as Category Logistics Manager until his termination on April 15, 2004. He was 51 years old at the time. He was informed that this was a result of a reduction in work force and that his function would be moved to California. Plaintiff performed his job in a manner that exceeded the defendant's expectations.
4. The plaintiff was subsequently replaced by a 41 year old person who continued to do his work in Chicopee. The job was not moved to California.
5. At the same time, the four oldest employees in plaintiff's department were also let go.

**A true copy:****Attest:**

*Deanna M. Lidel*  
Deputy Assistant Clerk

No. of Pages one  
 Fee Paid - \$ 250.00 Cash ☒ Check ☐  
 Surcharge Paid - \$ 15.00 Cash ☒ Check ☐  
 Security Fee - Paid - \$ 20.00 Cash ☒ Check ☐  
 Received by HEM

6. Subsequently, the CEO of Top-Flite, Robert Penicka, made a public statement to the effect that he had created a younger management team by design.
7. Plaintiff was terminated because of his age.

**COUNT I**

8. The plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 7.
9. The defendant's actions violated 29 U.S.C., Section 626 (the Age Discrimination in Employment Act) by terminating the plaintiff because of his age. The actions of the defendant were intentional and willful.

WHEREFORE, the plaintiff prays that:

- a. That judgment be entered in his favor;
- b. That he be reinstated and awarded full compensatory damages;
- c. That he be awarded liquidated damages;
- d. That he be awarded attorneys fees, interest and costs.
- e. That the court grant such other relief as it deems just.

**COUNT II**

10. The plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 9.
11. Defendants violated General Laws Chapter 151B, Section 4, by terminating the plaintiff because of his age. The actions of the defendant were intentional and willful.

WHEREFORE, the plaintiff prays that:

- a. That judgment be entered in his favor;

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

HAMPDEN COUNTY  
SUPERIOR COURT

FILED

JUL 18 2005

SUPERIOR COURT  
DEPARTMENT OF THE TRIAL COURT  
CIVIL ACTION

NO. 05-678

GARY J. LONCZAK

*Marie G. Grazza*  
CLERK-MAGISTRATE

PLAINTIFF(S)

V.

SUMMONS

TOP-FLITE GOLF COMPANY

DEFENDANT(S)

To the above named defendant: Top-Flite Golf Company  
You are hereby summoned and required to serve upon  
Maurice M. Cahillane, Esq., plaintiff's attorney, whose address is  
67 Market St., Springfield, MA, an answer to the complaint which is herewith served upon  
you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do  
so, judgment by default will be taken against you for the relief demanded in the complaint. You are also  
required to file your answer to the complaint in the office of the Clerk of this court at Springfield either before  
service upon the plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by rule 13(a), your answer must state as a counterclaim any claim which  
you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter  
of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness Barbara J. Rouse, Esq., at Springfield the 14th day of  
July in the year of our Lord two thousand five.

A true copy:

Attest:

*Donna M. Guidel*  
Deputy Assistant Clerk

*Marie G. Grazza*  
Clerk / Magistrate

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

FORM No.1

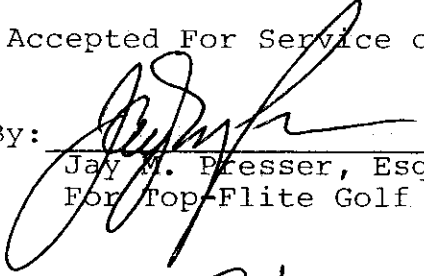
NOTICE TO DEFENDANT -- You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's office.

### PROOF OF SERVICE OF PROCESS

I hereby certify and return that on 7/14, 2005, I served a copy of the within summons, together with a copy of the original complaint, in this action, upon the within named defendant, in the following manner (See Mass. R. Civ. P. 4 (d)(1-5):

Accepted For Service of Process

By:

  
Jay M. Presser, Esq.  
For Top-Flite Golf Company

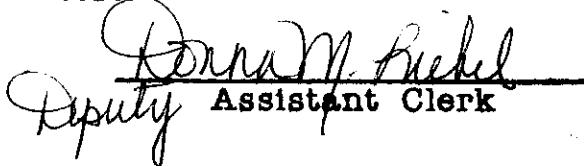
Dated: July 15, 2005

N.B. TO PROCESS SERVER:

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX ON THE ORIGINAL AND ON THE COPY SERVED ON DEFENDANT.

A true copy:

Attest:

  
Deputy Assistant Clerk

CLERKS OFFICE  
SUPERIOR COURT  
HAMDEN COUNTY  
2005 JUL 18 A 11: 27

65-678

Trial Court of Massachusetts  
Superior Court Department

County: Hampden

## PLAINTIFF(S)

GARY J. LONCZAK

## DEFENDANT(S)

TOP-FLITE GOLF COMPANY

## ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE

Maurice M. Cahillane, Esq.

Egan, Flanagan and Cohen, P.C.

67 Market Street

Springfield, MA 01103 Tel: 413-737-0260

Board of Bar Overseers Number: 069660

## ATTORNEY (if known)

Jay M. Presser, Esq.

Skoler, Abbott &amp; Presser

One Monarch Place

Springfield, MA 01144

## Origin code and track Destination

Place an x in one box only:

☒ 1. F01 Original Complaint☐ 2. F02 Removal to Sup.Ct. C.231, s.104 (Before trial) (F)☐ 3. F03 Retransfer to Sup.Ct. C.231, s.102C (X)☐ 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial)☐ 5. F05 Reactivated after rescript; relief from judgment Order☐ 6. F10 Summary Process Appeal (X)

## TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)

CODE NO.

B22

TYPE OF ACTION (specify)

Employment Discrimination

TRACK

( F )

IS THIS A JURY CASE?

( X ) Yes

( ) No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this

## TORT CLAIMS

(Attach additional sheets as necessary)

## A. Documented medical expenses to date:

1. Total hospital expenses ..... \$
2. Total Doctor expenses ..... \$
3. Total chiropractic expenses ..... \$
4. Total physical therapy expenses ..... \$
5. Total other expenses (describe) ..... \$

HAMPDEN COUNTY  
SUPERIOR COURT  
FILED  
JUL - 8 2005  
Subtotal

## B. Documented lost wages and compensation to date

C. Documented property damages to date ..... \$

D. Reasonably anticipated future medical and hospital expenses ..... \$

E. Reasonably anticipated lost wages ..... \$

F. Other documented items of damages (describe) ..... \$

G. Brief description of plaintiff's injury, including nature and extent of injury (describe) ..... \$

TOTAL \$

## CONTRACT CLAIMS

Provide a detailed description of claim(s):

TOTAL \$

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

A true copy:

Signature of Attorney of Record

DATE: July 7, 2005

AOTC-6 mtc005-11/05  
A.O.S.C. 1-2000

Attest:

Donna M. Quilley  
Deputy Assistant Clerk

11842-040948/94039.wpd

A true copy:

Attest:

  
Deputy Assistant Clerk

2005 JUL - 8 P 3: 05

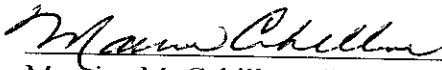
CLERKS OFFICE  
SUPERIOR COURT  
HAMPSHIRE COUNTY

- b. That he be reinstated and awarded full compensatory damages;
- c. That he be awarded multiple damages;
- d. That he be awarded attorneys fees, interest and costs.
- e. That the court grant such other relief as it deems just.

**PLAINTIFF DEMANDS A TRIAL BY JURY.**

THE PLAINTIFF, GARY J. LONCZAK  
BY HIS ATTORNEY

Dated: 7/8/05

  
Maurice M. Cahillane, Esq., BBO# 069660  
EGAN, FLANAGAN AND COHEN, P.C.  
67 Market Street - Post Office Box 9035  
Springfield, MA 01102  
(413) 737-0260; Fax: (413) 737-0121

F1638-040587\92136.wpd

**A true copy:**

**Attest.**

  
Deputy Assistant Clerk